

CALIFORNIA LEGISLATURE

2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 5, 2018

The Senate met at 2:04 p.m.

Hon. Ricardo Lara, of the 33rd District, presiding.

Secretary Daniel Alvarez at the Desk.

Assistant Secretary Zachary L. Twilla reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

The roll was called and the following Senators answered to their names:

Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—38.

Quorum present.

*(NOTE: Senator Mendoza will be excused this day on personal business.
Senator Morrell will be excused this day due to illness.)*



PRAYER

Prayer was offered by the Chaplain, Sister Michelle Gorman, RSM:

We are all familiar with Dr. Martin Luther King, Jr.'s image of being a drum major for justice. We may not be as familiar with Marian Wright Edelman's biting image that says:

You just need to be a flea against injustice.
Enough committed fleas biting strategically
Can make even the biggest dog uncomfortable
And transform even the biggest nation.

In the course of the day, you might consider what image you would use to describe yourself in your legislative efforts.

And so we pray, *God of justice and mercy*, You have made each one of us unique and in Your image. You have called us with our particular gifts and talents to be leaders, legislators, linguists of justice. May we not be deterred by our fears or failures or regrets; rather, may we trust Your hand to lead us, Your love to hold us close, and Your Spirit to breathe life, energy, and determination into the work of our days.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Wiener led the Senate in the Pledge of Allegiance to the Flag.

**PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS**

Senator Pan presented a member's resolution to Phi Vong in recognition of his 37 years of service as an employee of Frank Fat's and for his service to the Sacramento community.

SPECIAL INTRODUCTIONS

Senator Mitchell introduced Alice Beasley, Marsha Carter, Trish Wade, Johyne Geran, Fredi A. Slaughter-Walker, Deborah Joyner, Kanika Marshall, and Ramsess, quilters whose works are being displayed in the Black Quilters Exhibit at the California State Capitol, in honor of Black History Month.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 1, 2018

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 146

ACR 159

ACR 160

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

The following measures were read and referred to the Committee on Rules:

Assembly Concurrent Resolution 146—Relative to American Heart Month and Wear Red Day.

Assembly Concurrent Resolution 159—Relative to Fred Korematsu Day of Civil Liberties and the Constitution.

Assembly Concurrent Resolution 160—Relative to Physician Anesthesiologist Week.

REPORTS OF STANDING COMMITTEES**Committee on Health**

Senate Chamber, February 5, 2018

Mr. President: The Chair of the Committee on Health, to which was referred:

AB 1136

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

HERNANDEZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1136—An act to add Article 7.1 (commencing with Section 1323.3) to Chapter 2 of Division 2 of the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed, and re-referred to the committee.

Committee on Rules

Senate Chamber, February 5, 2018

Mr. President: The Chair of the Committee on Rules, to which was referred:

SR 80

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DE LEÓN, Chair

Second Reading of Bills—Author's Amendments

Senate Resolution 80—Relative to Earned Income Tax Credit Awareness Week.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed, engrossed, and re-referred to the committee.



**MOTIONS, RESOLUTIONS AND NOTICES
CONSIDERATION OF GOVERNOR'S VETOES
REMOVED FROM FILE**

Pursuant to Joint Rule 58.5, consideration of the Governor's veto of **SB 341** was removed from the Daily File.

(NOTE: Last day to consider was February 1, 2018.)

Pursuant to Joint Rule 58.5, consideration of the Governor's vetoes of **SB 246**, **SB 506**, and **SB 644** were removed from the Daily File.

(NOTE: Last day to consider was February 4, 2018.)

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

Senate Bill 983: By Senator Berryhill—An act to amend Section 42684 of the Food and Agricultural Code, relating to food and agriculture.

Senate Bill 984: By Senator Skinner—An act to add Section 11142 to the Government Code, relating to state government.

Senate Bill 985: By Senator Morrell—An act to amend Section 399.13 of the Public Utilities Code, relating to energy.

Senate Bill 986: By Senator Berryhill—An act to amend Section 12963 of the Insurance Code, relating to the Insurance Commissioner.

Senate Bill 987: By Senator Galgiani—An act to amend Section 12811 of the Vehicle Code, relating to vehicles.

Senate Bill 988: By Senator Galgiani—An act to add Section 7196.2 to the Business and Professions Code, relating to professions and vocations.

Senate Bill 989: By Senator Wieckowski—An act to amend Section 384 of the Streets and Highways Code, relating to highways.

Senate Bill 990: By Senator Wiener—An act to amend Section 566 of the Penal Code, relating to crimes against property.

Senate Bill 991: By Senator Wilk—An act to amend Section 29046 of the Food and Agricultural Code, relating to agriculture.

Senate Bill 992: By Senator Hernandez—An act to amend Section 11834.26 of the Health and Safety Code, relating to alcohol and drug programs.

Senate Bill 993: By Senator Hertzberg—An act to add Chapter 3.8 (commencing with Section 6305) to Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 994: By Senator Gaines—An act to amend Section 273.6 of the Penal Code, relating to protective orders.



Senate Bill 995: By Senator Gaines—An act to amend Section 17001 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 996: By Senator Gaines—An act to amend Section 441 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 997: By Senator Monning—An act to amend Section 1375.9 of the Health and Safety Code, relating to health care service plans.

Senate Bill 998: By Senator Dodd—An act to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code, and to amend Sections 777, 779, 779.1, 780, 10009, 10010, 10010.1, 12822, 12823, 12823.1, 16481, 16482, and 16482.1 of the Public Utilities Code, relating to water.

Senate Bill 999: By Senator Morrell—An act to amend Section 7316 of the Business and Professions Code, relating to professions and vocations.

Senate Bill 1000: By Senator Lara—An act relating to zero-emission vehicles.

Senate Bill 1001: By Senator Hertzberg—An act to amend Section 23104.1 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 1002: By Senator Nielsen—An act relating to forests and grasslands.

The following measure was offered and referred to the Committee on Rules:

Senate Concurrent Resolution 95: By Senator Jackson—Relative to court reporters.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

Consideration of Governor's Appointments

Senator Cannella placed the following Governor's appointment before the Senate:

JACQUELYN E. CRABTREE, Member, State Board of Barbering and Cosmetology.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Cannella moved a call of the Senate.

Motion carried.



**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS**

Senate Resolution 73—Relative to a new 5-year National Offshore Oil and Gas Leasing Program on the Outer Continental Shelf.

Resolution read third time and presented by Senator McGuire.

Roll Call

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator McGuire moved a call of the Senate.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 1270—1/22/2018 9 p.m.—An act to add Sections 6102.5 and 6103 to, and to repeal and add Section 6102 of, the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Nielsen.

Urgency Clause

Urgency clause read.

Roll Call

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Nielsen moved a call of the Senate.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (GOVERNOR'S APPOINTMENTS)**

On motion of Senator Cannella, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the appointment of Jacquelyn E. Crabtree was confirmed by the following vote:

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SR 73)**

On motion of Senator McGuire, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SR 73 was adopted by the following vote:

AYES (30)—Senators Allen, Atkins, Bates, Beall, Bradford, De León, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, Wiener, and Wilk.

NOES (4)—Senators Anderson, Fuller, Stone, and Vidak.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1270)**

On motion of Senator Nielsen, further proceedings under the call of the Senate were dispensed with.

Urgency Clause

The names of the absentees were called and the urgency clause to AB 1270 was adopted by the following vote:

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.



CONSIDERATION OF DAILY FILE (RESUMED)
SPECIAL CONSENT CALENDAR

Assembly Concurrent Resolution 134—Relative to Gang Awareness and Prevention Month.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 141—Relative to California Fitness Week.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 137—Relative to public lands and conservation.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 139—Relative to Reverend Dr. Martin Luther King, Jr.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 144—Relative to Korean American Day.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 152—Relative to proclaiming National Mentoring Month.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Special Consent Calendar Roll Call

The roll was called and the above measures on the special consent calendar passed by the following vote:

AYES (37)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



REQUESTS TO BE ADDED TO ROLL CALL

February 5, 2018

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

GOV# 34—Aye

SR 73—Aye

KEVIN DE LEÓN, President pro Tempore

LEAVES OF ABSENCE

The following Senator was granted leave of absence for the day on personal business: Senator Mendoza.

The following Senator was granted leave of absence for the day due to illness: Senator Morrell.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 3:17 p.m., on motion of Senator De León, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator De León moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, February 6, 2018.

Motion carried.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Allen requested that when the Senate adjourns this day it do so in memory of Lester Silverman of Manhattan Beach, Romana Acosta Bañuelos of Redondo Beach, and Charles Spencer Abbot, CPT, United States Navy.

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Greg Burris of Modesto.

Senator Fuller requested that when the Senate adjourns this day it do so in memory of Mark Abernathy of Bakersfield.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Nora June Jorgensen of Newport Beach.

Senators Wiener and Hill requested that when the Senate adjourns this day it do so in memory of Sanford Diller of Woodside.

Senator Wilk requested that when the Senate adjourns this day it do so in memory of Alan E. Colley, MAJ, United States Army Reserve and Stephen Edward Colley, SPC, United States Army.



ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 6, 2018.

NEVA MARIE PARKER, Minute Clerk

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